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CHARLES ELMORE CROPLEY
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Supreme Court of the United States

OCTOBER TERM, 1938.

No. ..., ORIGINAL.

COMMONWEALTH OF MASSACHUSETTS, *Complainant*

vs.

STATE OF MISSOURI, ET AL., *Respondents.*

RETURN OF RESPONDENT, STATE OF MISSOURI, TO RULE TO SHOW CAUSE WHY LEAVE SHOULD NOT BE GRANTED TO FILE BILL OF COMPLAINT.

ROY McKITTRICK,
Attorney General of Missouri,
EDWARD H. MILLER,
Assistant Attorney General of Missouri,
COUNSEL FOR RESPONDENT, STATE OF MISSOURI.

Supreme Court of the United States

OCTOBER TERM, 1938.

NO. ...., ORIGINAL.

COMMONWEALTH OF MASSACHUSETTS, *Complainant,*

vs.

STATE OF MISSOURI, ET AL., *Respondents.*

APPLICATION OF RESPONDENT, STATE OF MISSOURI, FOR LEAVE TO FILE RETURN TO RULE TO SHOW CAUSE.

Now comes the State of Missouri and respectfully asks leave to file, out of time, its annexed return, as Respondent, to the Rule to show cause why leave should not be granted to the Commonwealth of Massachusetts to file its Bill of Complaint herein.

ROY McKITTRICK,
Attorney General of Missouri,

EDWARD H. MILLER,
Assistant Attorney General of Missouri.

COUNSEL FOR RESPONDENT,
STATE OF MISSOURI.

Supreme Court of the United States

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RETURN OF RESPONDENT, STATE OF MISSOURI, TO RULE TO SHOW CAUSE WHY LEAVE SHOULD NOT BE GRANTED TO FILE BILL OF COMPLAINT.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Now comes the State of Missouri, Respondent in the bill of complaint proposed to be filed in the above entitled cause, and for its return to the rule of this Honorable Court, entered November 7, 1938, ordering Respondent, the State of Missouri, to show cause why leave should not be granted Complainant, the Commonwealth of Massachusetts, to file its bill of complaint, respectfully states as follows:

1. Respondent, the State of Missouri, avers that Complainant, the Commonwealth of Massachusetts, has no constitutional jurisdiction or right to impose transfer, succession, or inheritance taxes with respect to the transfers referred to in Paragraphs 3, 4 and 5 of the bill of complaint of Complainant, the Commonwealth of Massachusetts; but, on the contrary and in direct contradiction to the claim of Complainant, the Commonwealth of Massachusetts, Respondent, the State of

Missouri, asserts that it has the sole and exclusive jurisdiction and right to impose transfer, succession, or inheritance taxes with respect to said transfers; in the alternative, that whether the Complainant has or has not jurisdiction to impose such taxes, Respondent, the State of Missouri, has jurisdiction to impose its taxes with respect to such transfers.

2. Respondent, the State of Missouri, further avers that it proposes to assess and collect such taxes, if exigible, with respect to said transfers, and to that end has, through its duly authorized officers, taken such action as is required by statute.

3. Respondent, the State of Missouri, further avers that as there is no court having complete jurisdiction over the parties and over the subject-matter, other than this Honorable Court, Respondent, the State of Missouri, yields to the jurisdiction of this Honorable Court.

4. Respondent, the State of Missouri, further avers that it is in the public interest that an early adjudication be had which will be final and binding upon all parties interested.

5. Respondent, the State of Missouri, further avers that it has no cause to show why leave should not be granted to Complainant, the Commonwealth of Massachusetts, to file its bill of complaint herein.

ROY McKITTRICK,
Attorney General of Missouri,

EDWARD H. MILLER,
Assistant Attorney-General of Missouri,

COUNSEL FOR RESPONDENT,
STATE OF MISSOURI.